

May 12, 2003

NOTICE OF FILING AND PUBLIC HEARING

D.T.E. 01-55

Joint petition of Dover Waterworks, Inc. and Dover Water Company, Inc. for approval of an offer of settlement by which Dover Waterworks, Inc. agrees to transfer its water supply system to Dover Water Company, Inc.

On March 27, 2003, Dover Waterworks, Inc. ("DWW") and Dover Water Company, Inc. ("DWC"), filed with the Department of Telecommunications and Energy ("Department") an offer of settlement by which DWW agrees to transfer its water supply system and substantially all of its rights and assets to DWC, and DWC agrees to assume operation of such water system, acquire those rights and assets, and provide service to certain existing customers of DWW.

DWW and DWC assert that the intent of the offer of settlement is to provide reliable water service to the customers of DWW and to settle pending litigation before the Department, filed on July 25, 2001 and docketed as D.T.E. 01-55, in which DWW, pursuant to G.L. c. 164, § 92 and G.L. c. 165, § 2, sought mediation of certain expenses charged to it by DWC.

The Department will conduct a public hearing immediately followed by an evidentiary hearing to receive comments on the offer of settlement. The hearing will take place on Thursday, June 12, 2003, at 10:00 a.m. at the Department's offices, One South Station - 2nd Floor, Boston, Massachusetts 02110. Any person who desires to comment may do so at the time and place noted above or submit written comments to the Department not later than the close of business (5:00 p.m.) on Thursday, June 5, 2003.

Any person who desires to participate in this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on Thursday, June 5, 2003. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not mailing, constitutes filing

and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

An original and four (4) copies of all written comments must be filed with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy - One South Station - 2nd Floor, Boston, Massachusetts 02110 not later than the close of business on the dates noted above. One copy of all written comments should also be sent to counsel for Dover Waterworks, Inc., Lawrence R. Bowers, 40 Grove Street, Wellesley, Massachusetts 02482 and counsel for Dover Water Company, Inc., Jonathan Fryer, 9 Whiting Road, Dover, Massachusetts, 02030.

All written comments should be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dte.efiling@state.ma.us and julie.westwater@state.ma.us or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding (D.T.E. 01-55), (2) name of the person or company submitting the filing, and (3) a brief descriptive title of the document (e.g. Initial Comments or Reply Comments). The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be written in either Word Perfect (naming the document with a ".wpd" suffix), in Microsoft Word (naming the document with a ".doc" suffix), or as an Adobe PDF file (naming the document with a "pdf" suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. All written pleadings or comments submitted in electronic format will be posted on the Department's Website, <http://www.mass.gov/dpu>.

A copy of the offer of settlement may be inspected at the Department's offices during normal business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m.). Additionally, a copy of the offer of settlement will be available for public viewing at the Dover Public Library, 56 Dedham Street, Dover, MA 02030. Any person desiring further information regarding the offer of settlement should contact Lawrence R. Bowers, Esq., counsel for DWW, at (781) 237-9604, or Jonathan Fryer, Esq., counsel for DWC, at (508) 785-1505.

ORDER OF NOTICE

D.T.E. 01-55

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Dover Waterworks, Inc. ("DWW") and Dover Water Co., Inc. ("DWC") shall, no later than fourteen (14) days prior to Thursday, June 12, 2003, give notice of said hearing by publication in: 1) the Dover Sherborn Suburban Press or the Dover Sherborn Tab, and 2) the Boston Globe or Boston Herald. DWW and DWC are required to serve a copy of the notice on the Chairman, Board of Selectmen, and Town Clerk of the Town of Dover. DWW and DWC are required to make return of service at the time of the public hearing.

By Order of the Department,

Mary L. Cottrell, Secretary